

EXHIBIT**2-A**

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21-002805-CV-361

NO. _____

LARRY JORDAN

§

IN THE DISTRICT COURT OF

§

VS.

§

BRAZOS COUNTY, TEXAS

§

SANDERSON FARMS, INC.

§

(PRODUCTION DIVISION), and

§

SANDERSON FARMS, INC.

§

(PROCESSING DIVISION)

§

_____ JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, LARRY JORDAN, Plaintiff, and files this Original Petition complaining of the Defendants, SANDERSON FARMS, INC. (PRODUCTION DIVISION) and SANDERSON FARMS, INC. (PROCESSING DIVISION), and for cause of action would respectfully show the following:

I.**Discovery**

Pursuant to Rules 190.1 and 190.4 of the Texas Rules of Civil Procedure, Plaintiff alleges that discovery in this case should be conducted under Level 3.

II.**Parties**

Plaintiff, LARRY JORDAN is and at all times relevant to this lawsuit a resident of McLennan County, Texas.

Defendant, SANDERSON FARMS, INC. (PRODUCTION DIVISION) is a foreign corporation doing business in Texas and its principal place of business is in Brazos County, Texas. Defendant may be served with citation herein by serving its Registered Agent for Service, CT Corporation System at 1999 Bryan St., Suite 900, Dallas, Texas 75201, or wherever it may be found.

Defendant, SANDERSON FARMS, INC. (PROCESSING DIVISION) is a foreign corporation doing business in Texas and its principal place of business is in Brazos County, Texas. Defendant may be served with citation herein by serving its Registered Agent for Service, CT Corporation System at 1999 Bryan St., Suite 900, Dallas, Texas 75201, or wherever it may be found.

III. Jurisdiction and Venue

At all times relevant to this suit, one or more of the Defendants were corporations doing business for monetary profit in Texas. Every claim arising under the treaties or laws of the United States is expressly disclaimed, including any claim arising from an act or omission on a federal enclave, or any officer of the U.S. or any agency or person acting under him occurring under color of such office. The amount in controversy exceeds the minimal jurisdictional limits of this Court, and the \$75,000 minimum jurisdictional limits of federal district court, exclusive of costs and interest.

Venue in this case is proper in Brazos County, Texas, pursuant to § 15.002 of the Texas Civil Practice & Remedies Code because the events giving rise the lawsuit occurred in Brazos County, Texas.

IV. Facts

The incident made the basis of this lawsuit happened on or about October 28, 2020, while Plaintiff, LARRY JORDAN was working in the course and scope of his employment for one or both of the Defendants. At the time of the incident, Mr. JORDAN was working in the shipping department when a co-worker struck him with an electric pallet jack. As a result of the incident

made the basis of this lawsuit, Plaintiff sustained serious and permanent bodily injuries. The full extent of his injuries and damages will be explained further hereinafter.

V.

Negligence of SANDERSON FARMS, INC. (PRODUCTION DIVISION)

Plaintiff would show that the incident in question and his resulting injuries and damages were brought about and caused to occur due to the negligence and carelessness of the Defendant, SANDERSON FARMS, INC. (PRODUCTION DIVISION) through the actions or inactions of one or more of its agents, servants or employees in some one or more of the following ways, to-wit:

- (1) In failing to furnish a safe place to work;
- (2) In failing to provide its employees with the tools necessary to safely perform their jobs;
- (3) In failing to establish and enforce rules and regulations for the Defendant's workers and supervisory personnel to follow;
- (4) In failing to have in place reasonably competent supervisory personnel;
- (5) In failing to adequately supervise its employees;
- (6) In failing to adequately train its employees; and
- (7) In failing to have in place policies and procedures regarding the safe operation of the facility in issue.

Each and all of the above and foregoing, whether of omission or commission, constitutes negligence as the law defines it, and were, each and all, separately and concurrently, a proximate cause of the incident described above and the resulting injuries and damages sustained by the Plaintiff.

VI.
Negligence of SANDERSON FARMS, INC. (PROCESSING DIVISION)

Plaintiff would show that the incident in question and his resulting injuries and damages were brought about and caused to occur due to the negligence and carelessness of the Defendant, SANDERSON FARMS, INC. (PROCESSING DIVISION) through the actions or inactions of one or more of its agents, servants or employees in some one or more of the following ways, to-wit:

- (1) In failing to furnish a safe place to work;
- (2) In failing to provide its employees with the tools necessary to safely perform their jobs;
- (3) In failing to establish and enforce rules and regulations for the Defendant's workers and supervisory personnel to follow;
- (4) In failing to have in place reasonably competent supervisory personnel;
- (5) In failing to adequately supervise its employees;
- (6) In failing to adequately train its employees; and
- (7) In failing to have in place policies and procedures regarding the safe operation of the facility in issue.

Each and all of the above and foregoing, whether of omission or commission, constitutes negligence as the law defines it, and were, each and all, separately and concurrently, a proximate cause of the incident described above and the resulting injuries and damages sustained by the Plaintiff.

VII.
Damages

As a result of the above-described events, Plaintiff, LARRY JORDAN suffered serious, permanent and disabling injuries, which have resulted in damages to him in the past and into the future, such damages including physical pain, mental anguish, lost wages, loss of earnings, loss of

earning capacity, disfigurement, physical impairment, and medical care expenses for which suit is now brought.

Pursuant to Tex. R. Civ. P. 47(c), Plaintiff states that at this time his damages exceed \$250,000.00 but are less than \$1,000,000.00. Plaintiff reserves the right to amend his damages as the case progresses.

**VIII.
Pre-Judgment Interest**

Plaintiff further brings suit for pre-judgment interest. Plaintiff would ask for interest in the amount of damages found for the time allowed by law since the date of the accident to the date of judgment.

**IX.
Request for Jury Trial**

Plaintiff requests a trial by Jury.

**X.
Initial Disclosures**

Plaintiff reminds Defendants of their obligations to pursuant to Rule 194 of the Texas Rules of Civil Procedure to disclose within 30 days of making an appearance in this lawsuit the information or material described in Texas Rule of Civil Procedure 194.2(a)-(l).

**XI.
Rule 193.7 Disclosures**

Pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, Plaintiff hereby gives actual notice to Defendants that any and all documents produced may be used against the Defendants producing the document(s) at any pretrial proceeding and/or at the trial of this matter without the necessity of authenticating the documents.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that the Defendants be cited in terms of law to appear and answer herein and that upon final trial hereof, Plaintiff have judgment against the Defendants for his damages, jointly and severally, as well as costs of court, pre-judgment interest, interest on the judgment, and for such other and further relief, both general and special, legal and equitable, as he may show himself justly entitled.

Respectfully submitted,

THE CALLAHAN LAW FIRM



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